



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,953	08/20/2003	Takeshi Nishino	122.1565	4976

21171 7590 06/03/2005

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

DESIR, PIERRE LOUIS

ART UNIT	PAPER NUMBER
----------	--------------

2681

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/643,953

Applicant(s)

NISHINO ET AL.

Examiner

Pierre-Louis Desir

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>Sep. 17, 2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 17-18, 20-21, and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Nishimoto, Pub. No. US 2002/0155857.

Regarding claim 1, Nishimoto discloses a pointing device that can be operated to move an operational object on a display screen in any direction (see abstract), comprising: a control unit for changing an operation mode of said pointing device according to contents displayed on said display screen (i.e., control section shifts the pointer) (see page 1, paragraph 9).

Regarding claim 2, Nishimoto discloses a device (see claim 1 rejection) wherein said control unit limits a moving direction of said operational object on said display screen according to the contents displayed on said display screen at the time said pointing device is operated (i.e., by shifting the finger (with finger 30 being in contact with sensor window), the pointer is set to necessary information among pieces of information displayed on LCD 3. At this time, based upon the optical image read by image sensor in response to the movement of the finger, the CPU finds the shifting direction and the distance of shift of finger. Based upon the shifting direction and the distance of shift, the CPU shifts the pointer displayed on the LCD through the LCD interface) (see page 3, paragraphs 63-64).

Regarding claim 3, Nishimoto discloses a device (see claim 2 rejection) wherein said control unit defines the direction in which said operational object can be moved on said display screen, as the current direction in which said pointing device can be operated (i.e., the CPU finds the shifting direction and the distance of shift of finger) (see page 3, paragraphs 63-64).

Regarding claim 4, Nishimoto discloses a device (see claim 1 rejection) wherein said control unit defines the direction in which said operational object can be moved on said display screen, as the current direction in which said pointing device can be operated (i.e., the CPU finds the shifting direction and the distance of shift of finger) (see page 3, paragraphs 63-64).

Regarding claim 17, Nishimoto discloses a mobile telephone comprising a pointing device (see claim 1 rejection, and abstract).

Regarding claim 18, Nishimoto discloses a mobile telephone comprising a pointing device (see claim 2 rejection, and abstract).

Regarding claim 20, Nishimoto discloses a mobile telephone (see claim 17 rejection) wherein said control unit is constituted in a main control unit of said mobile telephone (i.e., CPU) (see fig. 3).

Regarding claim 21, Nishimoto discloses a mobile telephone (see claim 18 rejection) wherein said control unit is constituted in a main control unit of said mobile telephone (i.e., CPU) (see fig. 3).

Regarding claim 23, Nishimoto discloses a method for controlling a pointing device, comprising the controlling step of: changing an operational mode of said pointing device according to contents displayed on said display screen.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-16, 19, 22, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishimoto in view of Kim, U.S. Patent No. 6765598.

Regarding claim 5, Nishimoto discloses a pointing device as described above (see claim 1 rejection).

Although Nishimoto discloses a pointing device as described, Nishimoto does not specifically disclose a pointing device wherein said control unit has moving amount adjusting means for moving said operational object by a predetermined step value when said pointing device is operated.

However, Kim discloses a pointing device (see abstract) wherein the speed of movement of the movable pointer can be adjusted as a function of whether the variation in the X coordinate values is greater than or less than the variation in the Y coordinate values (see col. 5, line 66 through col. 6, line 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to add the characteristics of the pointing device as described by Kim with the characteristics of the Nishimoto's pointing device to arrive at the claimed invention. A motivation for doing so would have been to ensure the proper calibration of the pointer.

Regarding claim 6, Nishimoto discloses a pointing device as described above (see claim 2 rejection).

Although Nishimoto discloses a pointing device as described, Nishimoto does not specifically disclose a pointing device wherein said control unit has moving amount adjusting means for moving said operational object by a predetermined step value when said pointing device is operated.

However, Kim discloses a pointing device (see abstract) wherein the speed of movement of the movable pointer can be adjusted as a function of whether the variation in the X coordinate values is greater than or less than the variation in the Y coordinate values (see col. 5, line 66 through col. 6, line 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to add the characteristics of the pointing device as described by Kim with the characteristics of the Nishimoto's pointing device to arrive at the claimed invention. A motivation for doing so would have been to ensure the proper calibration of the pointer.

Regarding claim 7, Nishimoto discloses a pointing device as described above (see claim 3 rejection).

Although Nishimoto discloses a pointing device as described, Nishimoto does not specifically disclose a pointing device wherein said control unit has moving amount adjusting means for moving said operational object by a predetermined step value when said pointing device is operated.

However, Kim discloses a pointing device (see abstract) wherein the speed of movement of the movable pointer can be adjusted as a function of whether the variation in the X coordinate

Art Unit: 2681

values is greater than or less than the variation in the Y coordinate values (see col. 5, line 66 through col. 6, line 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to add the characteristics of the pointing device as described by Kim with the characteristics of the Nishimoto's pointing device to arrive at the claimed invention. A motivation for doing so would have been to ensure the proper calibration of the pointer.

Regarding claim 8, Nishimoto discloses a pointing device as described above (see claim 4 rejection).

Although Nishimoto discloses a pointing device as described, Nishimoto does not specifically disclose a pointing device wherein said control unit has moving amount adjusting means for moving said operational object by a predetermined step value when said pointing device is operated.

However, Kim discloses a pointing device (see abstract) wherein the speed of movement of the movable pointer can be adjusted as a function of whether the variation in the X coordinate values is greater than or less than the variation in the Y coordinate values (see col. 5, line 66 through col. 6, line 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to add the characteristics of the pointing device as described by Kim with the characteristics of the Nishimoto's pointing device to arrive at the claimed invention. A motivation for doing so would have been to ensure the proper calibration of the pointer.

Regarding claim 9, Nishimoto discloses a pointing device as described above (see claim 5 rejection).

Although Nishimoto discloses a pointing device as described, Nishimoto does not specifically disclose a pointing device wherein said moving amount adjusting means move said operational object by the predetermined step value when the amount of operation of said pointing device takes the maximum value.

However, Kim discloses a pointing device (see abstract) wherein the speed of movement of the movable pointer can be adjusted (see col. 5, line 66 through col. 6, line 2) wherein the moving the movable pointer at a first speed when the variation in the Y coordinate values is greater than the variation in the X coordinate values (see col. 6, lines 5-8); and the moving the movable pointer at a second speed when the variation in the X coordinate values is greater than the variation in the Y coordinate values, and wherein the second speed is faster than the first speed (see col. 6, lines 9-13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to add the characteristics of the pointing device as described by Kim with the characteristics of the Nishimoto's pointing device to arrive at the claimed invention. A motivation for doing so would have been to ensure the proper calibration of the pointer.

Regarding claim 10, Nishimoto discloses a pointing device as described above (see claim 5 rejection).

Although Nishimoto discloses a pointing device as described, Nishimoto does not specifically disclose a pointing device wherein said moving amount adjusting means move said operational object by the predetermined step value when the amount of operation of said pointing device exceeds a predetermined threshold value.

However, Kim discloses a pointing device (see abstract) wherein the speed of movement of the movable pointer can be adjusted (see col. 5, line 66 through col. 6, line 2) wherein the moving the movable pointer at a first speed when the variation in the Y coordinate values is greater than the variation in the X coordinate values (see col. 6, lines 5-8); and the moving the movable pointer at a second speed when the variation in the X coordinate values is greater than the variation in the Y coordinate values, and wherein the second speed is faster than the first speed (see col. 6, lines 9-13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to add the characteristics of the pointing device as described by Kim with the characteristics of the Nishimoto's pointing device to arrive at the claimed invention. A motivation for doing so would have been to ensure the proper calibration of the pointer.

Regarding claim 11, Nishimoto discloses a pointing device as described above (see claim 6 rejection).

Although Nishimoto discloses a pointing device as described, Nishimoto does not specifically disclose a pointing device wherein said moving amount adjusting means move said operational object by the predetermined step value when the amount of operation of said pointing device takes the maximum value.

However, Kim discloses a pointing device (see abstract) wherein the speed of movement of the movable pointer can be adjusted (see col. 5, line 66 through col. 6, line 2) wherein the moving the movable pointer at a first speed when the variation in the Y coordinate values is greater than the variation in the X coordinate values (see col. 6, lines 5-8); and the moving the movable pointer at a second speed when the variation in the X coordinate values is greater than

Art Unit: 2681

the variation in the Y coordinate values, and wherein the second speed is faster than the first speed (see col. 6, lines 9-13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to add the characteristics of the pointing device as described by Kim with the characteristics of the Nishimoto's pointing device to arrive at the claimed invention. A motivation for doing so would have been to ensure the proper calibration of the pointer.

Regarding claim 12, Nishimoto discloses a pointing device as described above (see claim 6 rejection).

Although Nishimoto discloses a pointing device as described, Nishimoto does not specifically disclose a pointing device wherein said moving amount adjusting means move said operational object by the predetermined step value when the amount of operation of said pointing device exceeds a predetermined threshold value.

However, Kim discloses a pointing device (see abstract) wherein the speed of movement of the movable pointer can be adjusted (see col. 5, line 66 through col. 6, line 2) wherein the moving the movable pointer at a first speed when the variation in the Y coordinate values is greater than the variation in the X coordinate values (see col. 6, lines 5-8); and the moving the movable pointer at a second speed when the variation in the X coordinate values is greater than the variation in the Y coordinate values, and wherein the second speed is faster than the first speed (see col. 6, lines 9-13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to add the characteristics of the pointing device as described by Kim with the

characteristics of the Nishimoto's pointing device to arrive at the claimed invention. A motivation for doing so would have been to ensure the proper calibration of the pointer.

Regarding claim 13, Nishimoto discloses a pointing device as described above (see claim 7 rejection).

Although Nishimoto discloses a pointing device as described, Nishimoto does not specifically disclose a pointing device wherein said moving amount adjusting means move said operational object by the predetermined step value when the amount of operation of said pointing device takes the maximum value.

However, Kim discloses a pointing device (see abstract) wherein the speed of movement of the movable pointer can be adjusted (see col. 5, line 66 through col. 6, line 2) wherein the moving the movable pointer at a first speed when the variation in the Y coordinate values is greater than the variation in the X coordinate values (see col. 6, lines 5-8); and the moving the movable pointer at a second speed when the variation in the X coordinate values is greater than the variation in the Y coordinate values, and wherein the second speed is faster than the first speed (see col. 6, lines 9-13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to add the characteristics of the pointing device as described by Kim with the characteristics of the Nishimoto's pointing device to arrive at the claimed invention. A motivation for doing so would have been to ensure the proper calibration of the pointer.

Regarding claim 14, Nishimoto discloses a pointing device as described above (see claim 7 rejection).

Although Nishimoto discloses a pointing device as described, Nishimoto does not specifically disclose a pointing device, wherein said moving amount adjusting means move said operational object by the predetermined step value when the amount of operation of said pointing device exceeds a predetermined threshold value.

However, Kim discloses a pointing device (see abstract) wherein the speed of movement of the movable pointer can be adjusted (see col. 5, line 66 through col. 6, line 2) wherein the moving the movable pointer at a first speed when the variation in the Y coordinate values is greater than the variation in the X coordinate values (see col. 6, lines 5-8); and the moving the movable pointer at a second speed when the variation in the X coordinate values is greater than the variation in the Y coordinate values, and wherein the second speed is faster than the first speed (see col. 6, lines 9-13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to add the characteristics of the pointing device as described by Kim with the characteristics of the Nishimoto's pointing device to arrive at the claimed invention. A motivation for doing so would have been to ensure the proper calibration of the pointer.

Regarding claim 15, Nishimoto discloses a pointing device as described above (see claim 8 rejection).

Although Nishimoto discloses a pointing device as described, Nishimoto does not specifically disclose a pointing device wherein said moving amount adjusting means move said operational object by the predetermined step value when the amount of operation of said pointing device takes the maximum value.

However, Kim discloses a pointing device (see abstract) wherein the speed of movement of the movable pointer can be adjusted (see col. 5, line 66 through col. 6, line 2) wherein the moving the movable pointer at a first speed when the variation in the Y coordinate values is greater than the variation in the X coordinate values (see col. 6, lines 5-8); and the moving the movable pointer at a second speed when the variation in the X coordinate values is greater than the variation in the Y coordinate values, and wherein the second speed is faster than the first speed (see col. 6, lines 9-13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to add the characteristics of the pointing device as described by Kim with the characteristics of the Nishimoto's pointing device to arrive at the claimed invention. A motivation for doing so would have been to ensure the proper calibration of the pointer.

Regarding claim 16, Nishimoto discloses a pointing device as described above (see claim 8 rejection).

Although Nishimoto discloses a pointing device as described, Nishimoto does not specifically disclose a pointing device wherein said moving amount adjusting means move said operational object by the predetermined step value when the amount of operation of said pointing device exceeds a predetermined threshold value.

However, Kim discloses a pointing device (see abstract) wherein the speed of movement of the movable pointer can be adjusted (see col. 5, line 66 through col. 6, line 2) wherein the moving the movable pointer at a first speed when the variation in the Y coordinate values is greater than the variation in the X coordinate values (see col. 6, lines 5-8); and the moving the movable pointer at a second speed when the variation in the X coordinate values is greater than

Art Unit: 2681

the variation in the Y coordinate values, and wherein the second speed is faster than the first speed (see col. 6, lines 9-13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to add the characteristics of the pointing device as described by Kim with the characteristics of the Nishimoto's pointing device to arrive at the claimed invention. A motivation for doing so would have been to ensure the proper calibration of the pointer.

Regarding claim 19, Nishimoto discloses a mobile telephone comprising a pointing device (see claim 5 rejection, and abstract).

Regarding claim 22, Nishimoto discloses a mobile telephone (see claim 19 rejection) wherein said control unit is constituted in a main control unit of said mobile telephone (i.e., CPU) (see fig. 3).

Regarding claim 24, Nishimoto discloses a method as described above (see claim 23 rejection).

Although Nishimoto discloses a method as described above, Nishimoto fails to specifically disclose a method wherein the pointing device can be operated to move said operational object at any speed, and wherein said controlling step has the moving amount adjusting step of moving said operational object by a predetermined step value when said pointing device is operated.

However, Kim discloses a method for controlling a pointing device (see abstract) wherein the pointing device can be operated to move the operational object at any speed (i.e., the on-screen pointer speed controller controls the on-screen pointer to move between icons of different levels at a speed faster than an initially-set movement speed) (see col. 4, lines 49-51), and

Art Unit: 2681

wherein said controlling step has the moving amount adjusting step of moving said operational object by a predetermined step value when said pointing device is operated (i.e., the speed of movement of the movable pointer can be adjusted as a function of whether the variation in the X coordinate values is greater than or less than the variation in the Y coordinate values) (see col. 5, line 66 through col. 6, line 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to add the characteristics of the pointing device as described by Kim with the characteristics of the Nishimoto's pointing device to arrive at the claimed invention. A motivation for doing so would have been to ensure the proper calibration of the pointer.


Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre-Louis Desir whose telephone number is 703-605-4312. The examiner can normally be reached on (571) 272-7799.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel L. Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2681

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Pierre-Louis Desir
AU 2681
05/28/2005

JEAN GELIN
PRIMARY EXAMINER

